

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**COURTESY COPY**

MAJOR LEAGUE BASEBALL  
PROPERTIES, INC.

Plaintiff,

v.

THE UPPER DECK COMPANY, LLC,

Defendant.

Case No. 1:10-cv-732 (RWS)  
ECF Case

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed supporting declaration of Brendan J. O'Rourke, the accompanying Memorandum of Law, and all pleadings and papers so far filed in this action, Plaintiff Major League Baseball Properties, Inc., through its attorneys Proskauer Rose LLP, shall move this Court on February 10, 2010 (the date previously designated by the Court) for an order consolidating the preliminary injunction hearing in this action with all phases of a full trial on the merits, pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
February 8, 2010

PROSKAUER ROSE LLP

By: s/Brendan J. O'Rourke

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*Motion granted  
as set forth in  
open court.  
So ordered  
Brendan J. O'Rourke  
USD  
2.15.10*